

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

**EIGHTIETH LEGISLATIVE DAY**  
**WEDNESDAY, APRIL 1, 2009**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Cameron and Lodge, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Katrina Clayson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 31, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Cameron was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Lodge was recorded present at this order of business.

April 1, 2009

The JUDICIARY AND RULES Committee reports that [S 1171](#), [S 1172](#), [S 1173](#), [S 1174](#), [S 1175](#), and [SCR 111](#) have been correctly printed.

DARRINGTON, Chairman

[S 1171](#), [S 1172](#), [S 1173](#), and [S 1174](#) were referred to the Finance Committee.

[S 1175](#) was referred to the Resources and Environment Committee.

[SCR 111](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 31, 2009

The JUDICIARY AND RULES Committee reports that [S 1046](#), [S 1050](#), [S 1061](#), [S 1065](#), [S 1071](#), as amended, [S 1098](#), as amended, [S 1109](#), as amended, [S 1111](#), [S 1115](#), [S 1127](#), [S 1128](#), and [S 1131](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1046](#), [S 1050](#), [S 1061](#), [S 1065](#), [S 1071](#), as amended, [S 1098](#), as amended, [S 1109](#), as amended, [S 1111](#), [S 1115](#), [S 1127](#), [S 1128](#), and [S 1131](#) and ordered them transmitted to the House for the signature of the Speaker.

March 31, 2009

The JUDICIARY AND RULES Committee reports that [S 1004](#), as amended in the House, and [S 1141](#), as amended, as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1004](#), as amended in the House, and [S 1141](#), as amended, as amended, were filed for first reading.

March 31, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 194](#), [S 1141](#), as amended, and [H 232](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 31, 2009

The TRANSPORTATION Committee reports out [H 187](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCGEE, Chairman

There being no objection, [H 187](#) was referred to the Fourteenth Order of Business, General Calendar.

April 1, 2009

The FINANCE Committee reports out [S 1171](#), [S 1172](#), [S 1173](#), and [S 1174](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1171](#), [S 1172](#), [S 1173](#), and [S 1174](#) were filed for second reading.

April 1, 2009

ALEXANDER, Chief Clerk

The EDUCATION Committee reports out [H 256](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, [H 256](#) was referred to the Fourteenth Order of Business, General Calendar.

April 1, 2009

The EDUCATION Committee reports out [H 262](#) with the recommendation that it do pass.

GOEDDE, Chairman

[H 262](#) was filed for second reading.

April 1, 2009

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Charles L. Winder to the Idaho Endowment Fund Investment Board, term to expire April 11, 2011.

Rayelle Anderson to the Bingo-Raffle Advisory Board, term to expire January 7, 2010.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

April 1, 2009

The STATE AFFAIRS Committee reports out [HJM 4](#), [HJM 7](#), and [H 229](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[HJM 4](#) and [HJM 7](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[H 229](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 31, 2009

Dear Mr. President:

I transmit herewith Enrolled [HJM 3](#), [H 169](#), [H 32](#), as amended, [H 38](#), [H 44](#), [H 110](#), [H 111](#), [H 112](#), [H 205](#), [H 206](#), and [H 72](#) for the signature of the President.

The President signed Enrolled [HJM 3](#), [H 169](#), [H 32](#), as amended, [H 38](#), [H 44](#), [H 110](#), [H 111](#), [H 112](#), [H 205](#), [H 206](#), and [H 72](#) and ordered them returned to the House.

March 31, 2009

Dear Mr. President:

I return herewith Enrolled [S 1005](#), as amended, [S 1006](#), as amended, [S 1007](#), [S 1017](#), as amended, as amended, [S 1042](#), [S 1066](#), [S 1076](#), [S 1078](#), [S 1106](#), and [S 1117](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1005](#), as amended, [S 1006](#), as amended, [S 1007](#), [S 1017](#), as amended, as amended, [S 1042](#), [S 1066](#), [S 1076](#), [S 1078](#), [S 1106](#), and [S 1117](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced that [HJM 6](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Pearce, seconded by Senator Jorgenson, [HJM 6](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that [HCR 28](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Acting Senator Thorson, seconded by Senator Fulcher, [HCR 28](#) was adopted by voice vote, title was approved as corrected, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

##### S 1176

##### BY FINANCE COMMITTEE

##### AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

##### S 1177

##### BY FINANCE COMMITTEE

##### AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING A CASH TRANSFER; PROVIDING LEGISLATIVE INTENT ON

PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS;  
AND DECLARING AN EMERGENCY.

**S 1178**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; SETTING ASIDE THE TEN PERCENT TRANSFER BETWEEN PROGRAMS LIMITATION UNDER A SPECIFIC CIRCUMSTANCE; REAPPROPRIATING CERTAIN FUNDS FOR CAPITAL OUTLAY; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

**S 1179**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

**S 1180**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING MONEYS FROM THE PERMANENT BUILDING FUND TO THE DIVISION OF PUBLIC WORKS FOR THE VARIOUS PURPOSES SPECIFIED; EXPRESSING LEGISLATIVE INTENT CONCERNING THE USE OF MONEYS APPROPRIATED IN THIS ACT; EXEMPTING THE APPROPRIATIONS FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; EXPRESSING LEGISLATIVE INTENT CONCERNING THE APPROPRIATION FOR IDAHO PUBLIC TELEVISION; AND DECLARING AN EMERGENCY.

**S 1181**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

[S 1176](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), and [S 1181](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 194](#), as amended in the Senate, and [H 232](#), as amended in the Senate, by Revenue and Taxation Committee, were read the first time at length and filed for second reading.

[S 1004](#), as amended in the House, and [S 1141](#), as amended, as amended, by State Affairs Committee, were read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[H 195](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1170](#), by Finance Committee, was read the second time at length and filed for third reading.

[S 1156](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 252](#), by Education Committee, was read the second time at length. Senator Schroeder requested unanimous consent that [H 252](#) be laid on the table. Senator Goedde objected. [H 252](#) was filed for third reading.

[H 146](#), as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 261](#), by State Affairs Committee, was read the second time at length and filed for third reading.

**Motion to Suspend Rules**

Moved by Senator Davis, seconded by Senator Kelly, that all rules of the Senate interfering with the immediate passage of [S 1141](#), as amended, as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1141](#), as amended, as amended, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—Smyser. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1141](#), as amended, as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, LeFavour, Lodge, McGee,

McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk, Winder. Total - 31.

NAYS—Broadsword, Jorgenson, Keough, Smyser. Total - 4.

Total - 35.

Whereupon the President declared [S 1141](#), as amended, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

[H 46](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 46](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 250](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS—Sagness (Malepeai), Schroeder. Total - 2.

Total - 35.

Whereupon the President declared [H 250](#) passed, title was approved, and the bill ordered returned to the House.

[H 163](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie,

Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 163](#) passed, title was approved, and the bill ordered returned to the House.

[H 222](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 222](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Coiner, granted by unanimous consent, [H 173](#) retained its place on the Third Reading Calendar for one legislative day.

[H 43](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 43](#) passed, title was approved, and the bill ordered returned to the House.

[H 151](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Stegner, Thorson (Stennett), Werk, Winder. Total - 28.

NAYS—Bair, Broadsword, Cameron, Darrington, McKague, Siddoway, Smyser. Total - 7.

Total - 35.

Whereupon the President declared [H 151](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1185  
BY STATE AFFAIRS COMMITTEE  
AN ACT**

RELATING TO GROUND WATER RECHARGE; AMENDING SECTION 42-234, IDAHO CODE, TO DELETE REFERENCE TO PROJECTS AND TO REFERENCE PERMITS AND LICENSES, TO REVISE A LEGISLATIVE FINDING, TO REVISE A LEGISLATIVE DECLARATION RELATING TO BENEFICIAL USE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO ISSUE CERTAIN PERMITS AND LICENSES, TO DELETE REFERENCE TO CERTAIN PRIORITY AND DEPLETION PROVISIONS, TO PROVIDE THAT THE DIRECTOR MAY REGULATE AND REDUCE THE AMOUNT OF WATER WHICH MAY BE DIVERTED FOR RECHARGE PURPOSES, TO PROVIDE THAT THE DIRECTOR MAY FIX A TERM OF YEARS IN CERTAIN PERMITS OR LICENSES DURING WHICH THE AMOUNT OF WATER AUTHORIZED TO BE DIVERTED SHALL NOT BE REDUCED, TO AUTHORIZE THE DIRECTOR TO APPROVE, DISAPPROVE OR REQUIRE ALTERATIONS IN METHODS EMPLOYED TO ACHIEVE GROUND WATER RECHARGE AND TO PROVIDE THAT THE DIRECTOR SHALL ORDER THE CESSATION OF OPERATIONS UNDER CERTAIN CIRCUMSTANCES; REPEALING SECTION 42-4201A, IDAHO CODE, RELATING TO THE DIRECTOR'S AUTHORITY TO ISSUE PERMITS AND LICENSES RELATING TO THE RECHARGE OF GROUND WATER BASINS; AND AMENDING SECTIONS 42-4223, 42-5225 AND 43-343, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

[S 1185](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

**Reports of Standing Committees**

April 1, 2009

The JUDICIARY AND RULES Committee reports that [S 1185](#) has been correctly printed.

DARRINGTON, Chairman

[S 1185](#) was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:20 p.m. until the hour of 10 a.m., Thursday, April 2, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary